

**HENRICO COUNTY
NOTICE OF SPECIAL MEETING
BOARD OF SUPERVISORS**

Please take notice that a special meeting of the Board of Supervisors will be held on **Tuesday, October 8, 2024, at 3:45 p.m.** in County Manager's Conference Room, located on the third floor of the Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

The matters to be reviewed by the Board at this time are:

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| 3:45 - 4:15 p.m. | Henrico Fire Pharmacy Update |
| 4:15 - 5:15 p.m. | Comp Plan Update - Part 4 |
| 5:15 - 5:20 p.m. | Review of Regular Meeting Agenda Items |

Tanya N. Brackett

Tanya N. Brackett, CMC
Clerk, Henrico County Board of Supervisors
October 3, 2024

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
October 8, 2024
6:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES – September 24, 2024, Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATION

Proclamation - Fire Prevention Week - October 6 - 12, 2024.

PUBLIC HEARINGS – REZONING CASES

- | | |
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| 115-22
REZ2022-
00002
Three Chopt | Markel Eagle Advisors, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) part of Parcels 733-778-7649 and 734-777-3893 containing 46.599 acres located at the southwest intersection of Pouncey Tract Road (State Route 271) and Wyndham West Drive. The applicant proposes a single-family residential development. The R-5A District allows a maximum gross density of 6 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Rural Residential, density should not exceed 1 unit per acre. The Planning Commission voted to recommend the Board of Supervisors <u>grant</u> the request. (Deferred from the August 13, 2024, meeting; Deferral requested to the first February 2025, meeting.) |
| 230-24
REZ-2024-
100950
Fairfield | Joseph B McCutcheon Jr: Request to amend proffers accepted with C-72C-83 on Parcel 805-737-7793 located on the west line of Valley Side Drive at its intersection with Farm Creek Drive. The applicant proposes to amend a proffer related to recreational space to allow for the development of new single-family homes. The existing zoning is R-3AC One-Family Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre, and Environmental Protection Area. The site is located in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors <u>grant</u> the request. (Deferred from the September 10, 2024, meeting; Deferral requested to the November 12, 2024, meeting.) |
| 287-24
REZ-2024-
101132
Three Chopt | Heron's Nest Land Co. LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcel 744-762-9043 containing 2.054 acres located at the northwest intersection of Edinburgh Road and Glasgow Road. The applicant proposes a single-family subdivision. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development. The Planning Commission voted to recommend the Board of Supervisors <u>grant</u> the request. |

288-24 REZ-2024-101509 Three Chopt Complete Automotive of Richmond, Inc: Request to amend proffers accepted with REZ2021-00063 on Parcel 746-760-6689 located on the north line of W. Broad Street (U.S. Route 250) approximately 700' west of its intersection with Dominion Boulevard. The applicant proposes to amend proffers regarding permitted uses to allow for an automotive repair facility. The existing zoning is B-3C Business District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed Use. The site is located in the Innsbrook Redevelopment Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

PUBLIC HEARINGS – OTHER ITEMS

289-24 Resolution - Condemnation - Rights-of-Way - Virginia Center Commons Access Roads - Virginia Center Owners Association - Fairfield District.

290-24 Resolution - Condemnation - Easements - Forest Glen Drainage Improvements - 1609 Forest Glen Avenue - Fairfield District.

291-24 Ordinance - Vacation of Portion of Right-of-Way - York Manor Subdivision - Varina District.

292-24 Ordinance - To Amend and Reordain Section 22-126 of the Code of the County of Henrico Titled “Weight limits for specific streets” to Restrict Through Truck Traffic on Old Washington Highway - Brookland District.

PUBLIC COMMENTS

GENERAL AGENDA

293-24 Resolution - Approving the Issuance by the Capital Region Airport Commission of Its Passenger Facility Charge and Subordinate Lien Airport Revenue Bonds.

294-24 Introduction of Ordinance - To Amend and Reordain Sections 6-226 Titled “Definitions” and 6-227 Titled “Technology zone established; effective dates of incentives” of the Code of the County of Henrico to Establish the Greater Henrico Technology Zone and Provide Incentives for Businesses and Redevelopment in the Zone.

295-24 Introduction of Ordinance - To Amend and Reordain Section 20-81 Titled “Partial exemption for rehabilitated, renovated or replacement commercial and industrial structures” of the Code of the County of Henrico to Expand the Partial Tax Exemption.

296-24 Introduction of Ordinance - To Add Article XII to Chapter 6 of the Code of the County of Henrico to Waive Building Permit Fees and Other Local Fees for Approved Affordable Housing Developments.

297-24 Introduction of Ordinance - To Comply with Changes in State Law Regarding Short-Term Rental Registries By Amending and Reordaining Section 20-280 Titled “Short-term rental registry established; annual registration required; fee” of the Code of the County of Henrico.

- 298-24 Resolution - Authorization for Acceptance of Virginia Department of Health Grant.
- 299-24 Resolution - Acceptance of Roads - Tuckahoe District and Three Chopt District.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
October 8, 2024**

PRESENTATION

PROCLAMATION - Fire Prevention Week - October 6 - 12, 2024.

This proclamation recognizes October 6 - 12, 2024, as Fire Prevention Week with the theme of "Smoke Alarms: Make Them Work For You!"

PUBLIC HEARINGS – REZONING CASES

REZ2022-00002
Three Chopt
Markel | Eagle Advisors, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) part of Parcels 733-778-7649 and 734-777-3893 containing 46.599 acres located at the southwest intersection of Pouncey Tract Road (State Route 271) and Wyndham West Drive. The applicant proposes a single-family residential development. The R-5A District allows a maximum gross density of 6 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Rural Residential, density should not exceed 1 unit per acre. Acting on a motion by Mrs. Thornton, seconded by Mr. Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would permit development of the land for residential use in an appropriate manner and the proffered conditions will provide appropriate quality assurances not otherwise available. **(Deferred from the August 13, 2024, meeting; Deferral requested to the first February 2025, Meeting.)**

REZ-2024-100950
Fairfield
Joseph B McCutcheon Jr: Request to amend proffers accepted with C-72C-83 on Parcel 805-737-7793 located on the west line of Valley Side Drive at its intersection with Farm Creek Drive. The applicant proposes to amend a proffer related to recreational space to allow for the development of new single-family homes. The existing zoning is R-3AC One-Family Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre, and Environmental Protection Area. The site is located in the Airport Safety Overlay District. Acting on a motion by Mr. Dandridge, seconded by Mr. Mackey, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors **grant** the request because the change in use is compatible with surrounding development and it was determined to be reasonable. **(Deferred from the September 10, 2024, meeting; Deferral requested to the November 12, 2024, meeting.)**

REZ-2024-101132
Three Chopt
Heron's Nest Land Co. LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcel 744-762-9043 containing 2.054 acres located at the northwest intersection of Edinburgh Road and Glasgow Road. The applicant proposes a single-family subdivision. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development. Acting on a motion by Mr. Shippee, seconded by Mr. Witte, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors **grant** the request because it represents a logical continuation of the one-family residential development which exists in the area, and it conforms to the recommendations of the Land Use Plan.

REZ-2024-101509
Three Chopt
Complete Automotive of Richmond, Inc: Request to amend proffers accepted with REZ2021-00063 on Parcel 746-760-6689 located on the north line of W. Broad Street (U.S. Route 250) approximately 700' west of its intersection with Dominion Boulevard. The applicant proposes to amend proffers regarding permitted uses to allow for an automotive repair facility. The existing zoning is B-3C Business District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed Use. The site is located in the Innsbrook Redevelopment Overlay District. Acting on a motion by Mr. Shippee, seconded by Mr. Witte, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors **grant** the request because the changes do not greatly reduce the original intended purpose of the proffers.

PUBLIC HEARINGS - OTHER ITEMS

RESOLUTION - Condemnation - Rights-of-Way - Virginia Center Commons Access Roads - Virginia Center Owners Association - Fairfield District.

This Board paper authorizes condemnation proceedings for property that contains roads and two BMP/retention ponds that the County intends to maintain and repair near the Henrico Sports & Events Center.

The County needs to acquire 2.581 acres across the properties located at Jeb Stuart Parkway and Telegraph Road, identified as Tax Map Parcels 786-770-1856 and 785-770-0225, and owned by the Virginia Center Owners Association. The County has conducted examinations of title to the property and has not been able to make a bona fide offer to purchase the Rights-of-Way because the Owner is a defunct entity, and the County has been unable to identify any successors. The County estimates the value of the necessary Rights-of-Way to be \$180,000.

This Board paper authorizes the County Attorney to institute and conduct condemnation proceedings in accordance with the Code of Virginia. This Board paper further authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Rights-of-Way, to take all steps necessary to acquire the Rights-of-Way, and to enter on and take possession of the required Rights-of-Way in accordance with the Code of Virginia.

The Director of Public Works and the Deputy County Manager for Community Operations recommend approval of this Board paper; the County Manager concurs.

RESOLUTION - Condemnation - Easements - Forest Glen Drainage Improvements - 1609 Forest Glen Avenue - Fairfield District.

This Board paper authorizes condemnation proceedings for property that is needed for the construction of the Forest Glen Drainage Improvements project.

The County needs to acquire 64 square feet of permanent drainage easement and 1,436 square feet of temporary construction easement across the property located at 1609 Forest Glen Avenue, identified as Tax Map Parcel 782-758-0820, and owned by the Estate of Linwood G. Bowman, formerly Linwood G. Bowman, deceased, and the Estate of Emma H. Bowman, formerly Emma H. Bowman, deceased. The County has not been able to make a bona fide offer to purchase the easements because the Owners are deceased, and the County has been unable to identify anyone able to convey legal title. The County estimates the value of the easements to be \$1,500.

This Board paper authorizes the County Attorney to institute and conduct condemnation proceedings in accordance with the Code of Virginia. This Board paper further authorizes and directs the County Manager to continue to seek a voluntary acquisition of the easements, to take all steps necessary to acquire the easements, and to enter on and take possession of the required easements in accordance with the Code of Virginia.

The Director of Public Works and the Deputy County Manager for Community Operations recommend approval of this Board paper; the County Manager concurs.

ORDINANCE - Vacation of Portion of Right-of-Way - York Manor Subdivision - Varina District.

This ordinance will vacate a portion of an unimproved right-of-way south of South Street and east of a reserved lot in the York Manor subdivision. The vacation is requested by 401 South LLC, the owner of the reserved lot. The right-of-way is not necessary for public transit.

The Real Property Division has processed the requested vacation through the Departments of Planning, Public Works, and Public Utilities without objection. The Director of Real Property recommends approval of the Board paper; the County Manager concurs.

ORDINANCE - To Amend and Reordain Section 22-126 of the Code of the County of Henrico Titled “Weight limits for specific streets” to Restrict Through Truck Traffic on Old Washington Highway - Brookland District.

This ordinance prohibits trucks, pickup or panel trucks, and tractor trucks and trailers having a registered gross weight in excess of 7,500 pounds from using Old Washington Highway between Greenwood Road and the Hanover County Line.

This route has been determined unsuitable for large truck traffic due to narrow road widths. Additionally, the road was determined to have viable alternative truck routes between major truck generators.

The Director of Public Works recommends approval of the Board paper, and the County Manager concurs.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Approving the Issuance by the Capital Region Airport Commission of Its Passenger Facility Charge and Subordinate Lien Airport Revenue Bonds.

The Capital Region Airport Commission wishes to issue bonds in the amount of \$30,500,000 to provide funding for certain projects at Richmond International Airport in the County.

Issuance of the bonds requires approval of the Board of Supervisors, pursuant to Internal Revenue Code § 147(f)(2)(A)(ii). However, approval of the Resolution and issuance of the bonds by the Commission does not create any debt for the County.

The Capital Region Airport Commission requests approval of the Board paper; the County Manager concurs.

INTRODUCTION OF ORDINANCE - To Amend and Reordain Sections 6-226 Titled “Definitions” and 6-227 Titled “Technology zone established; effective dates of incentives” of the Code of the County of Henrico to Establish the Greater Henrico Technology Zone and Provide Incentives for Businesses and Redevelopment in the Zone.

This Board paper introduces for advertisement and a public hearing on November 12, 2024, a proposed ordinance to establish the Greater Henrico Technology Zone (“GHTZ”) encompassing all office use properties in the County and replacing the Innsbrook Technology Zone.

Qualified businesses in the GHTZ would be eligible for incentives. Qualifications for by-right incentives include \$1,000,000 of new capital investment, creation of 10 new jobs paying at least, on average, the local prevailing wage in the County, and engaging in one of the specific purposes outlined in the program. Incentives include waivers of building permit and planning application fees and other incentives agreed to on a case-by-case basis by the Economic Development Authority.

The establishment of the GHTZ was discussed with the Board at its retreat on September 4, 2024. The Director of Finance and Executive Director of the Economic Development Authority recommend approval of the Board paper, and the County Manager concurs.

INTRODUCTION OF ORDINANCE - To Amend and Reordain Section 20-81 Titled “Partial exemption for rehabilitated, renovated or replacement commercial and industrial structures” of the Code of the County of Henrico to Expand the Partial Tax Exemption.

This Board paper introduces for advertisement and a public hearing on November 12, 2024, a proposed ordinance to expand the partial tax exemption for certain office structures. The proposal was discussed with the Board at its retreat on September 4, 2024.

The Director of Finance and Executive Director of the Economic Development Authority recommend approval of the Board paper, and the County Manager concurs.

INTRODUCTION OF ORDINANCE - To Add Article XII to Chapter 6 of the Code of the County of Henrico to Waive Building Permit Fees and Other Local Fees for Approved Affordable Housing Developments.

This Board paper introduces for advertisement and a public hearing on November 12, 2024, a proposed ordinance to establish a program to incentivize the development of affordable housing by private-sector entities. Qualified affordable housing developments will be eligible to receive waivers of fees for building permits and planning applications. To qualify, among other criteria, a development must consist of single-family detached or attached dwellings, serve households with an income between 60% and 120% of the area median income for the Richmond Metropolitan Statistical Area, and provide for continued affordability beyond the initial purchaser.

The program was discussed with the Board at its retreat on September 4, 2024. The Directors of Finance and Community Revitalization recommend approval of the Board paper, and the County Manager concurs.

INTRODUCTION OF ORDINANCE - To Comply with Changes in State Law Regarding Short-Term Rental Registries By Amending and Reordaining Section 20-280 Titled “Short-term rental registry established; annual registration required; fee” of the Code of the County of Henrico.

This Board paper introduces for advertisement and a public hearing on November 12, 2024, a proposed ordinance amendment to incorporate changes in state law that took effect this year. The new state law requires the operator of each short-term rental who is a lessee or sublessee to provide an attestation that the property owner has granted permission for the property to be used as a short-term rental.

The Director of Finance recommends approval of the Board paper, and the County Manager concurs.

RESOLUTION - Authorization for Acceptance of Virginia Department of Health Grant.

This resolution authorizes the County Manager to accept a grant from the Virginia Department of Health (VDH) to reimburse the County \$750,000 for a Lead Service Line Replacement (LSLR) project which includes building a Lead Service Line (LSL) inventory throughout the County. This project will help complete removal of the public and/or private portions of LSLs. The grant of \$750,000 will reimburse a portion of the cost for both building a LSL inventory and LSL replacement work.

The grant is available through VDH’s Drinking Water State Revolving Fund Program. Funding is provided under the Bipartisan Infrastructure Law.

The Director of Public Utilities recommends approval of the Board paper, and the County Manager concurs.

RESOLUTION - Acceptance of Roads - Tuckahoe District and Three Chopt District.

This Board paper would accept the following named and described sections of road into the County road system for maintenance:

0.09 miles of Tuckahoe Club Court – Tuckahoe District

0.13 miles of Bacova Club Court – Three Chopt District

0.08 miles of Woodson Hills Court – Three Chopt District

The Director of Public Works recommends approval of this Board paper, and the County Manager concurs.